IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.217 OF 2002

Shikshan Prasarak Mandal ...Petitioner

Versus

Shivaji University and Ors. ...Respondents

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Mr. A.V. Anturkar with D.W. Bhosale, counsel for Petitioner

Mr.R.G.Ketkar, counsel for Respondents 1, 1A, 2 & 2A.

Mr. S.K. Chincholikar, A.G.P. for Respondents 4 & 5.

Mr. S.D. Thokade, counsel for Respondent No.7.

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CORAM: B. H. MARLAPALLE, J.

DATED: 13TH APRIL, 2005

P. C.:-

1. Pursuant to the order passed on 11.4.2005 Mr. Subhash Vishwanath Patil, Dy. Secretary in the department of Higher Education is present before this Court. He has been informed about the stand off between the two Universities and the inaction on the part of the said Universities to comply with the directions dated 4.5.2001 issued by this Court in Writ Petition No.7593/2000. In addition Mr. Ketkar, the counsel appearing for the Shivaji University has also placed on record a letter dated 28.10.2004 addressed to the University, Solapur and forwarded

documents at page 1 to 48 pertaining to the issue of fill in the post of Principal on permanent basis. The learned counsel for the Solapur University on the basis of some correspondence with the college concerned i.e. Dalitmitra Kadam Guruji Shastra Mahavidyalaya, at Mangalvedha, submitted that the said college has not complied with certain procedural requirements.

2. Mr. Anturkar, the learned counsel for the petitioner denies the said allegations and he further stated that whatever further documents are required, shall be handed over to the University at Solapur within one week from today or from the demand made by Solapur University henceforth. All the parties have assured this Court that due steps will be taken to fill in the post of regular Principal within a period of eight weeks from today in compliance of the order passed in Writ Petition No.7593 of 2000. The respondent college shall therefore proceed further to release an advertisement for the said post within one week from today and the procedural formalities of approval etc. shall be simultaneously done by the University at Solapur which will also constitute the Selection Committee within two weeks from today.

3. Mr. Anturkar, also raised a grievance regarding removal of Mr. S.D. Patil from the post of acting

Principal and submitted that the order passed by this Court in writ petition No. 7593 of 2000 pertaining to the acting Principal who was holding the charge on that day and it was Mr. Kadam. If Mr. Patil is aggrieved by any action of the management or by the University regarding his removal from the post of acting Principal, he may have an independent remedy and his grievance cannot be redressed in this contempt petition.

3. In view of the undertaking furnished before this Court and the time bound programme agreed by the parties to fill in the post of regular Principal, this contempt petition is disposed of.

4. A copy of this order be forwarded to the Secretary, Department of Higher Education by the registry of this Court so that the said department will ensure that the order passed by this Court have been complied.

5. Certified copy is expedited.

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